

NOTICE OF INTENT

Office of the Governor Board of Professional Geoscientists

The Louisiana Board of Professional Geoscientists hereby gives notice that pursuant to R.S. 37:711.8.C (1); it intends to promulgate LAC 46:XXII in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., and the Louisiana Professional Geoscience Practice Act, R.S. 37:711.1 et seq.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXII. Professional Geoscientists

Chapter 1. General Provisions

§101. Definitions

A. The words and phrases defined in R.S. 37:711.2 and as referenced below shall apply to these rules. In addition, the following words and phrases when used in this Chapter shall have the inferred meanings, unless the context clearly requires otherwise:

Act—cited as the Louisiana Geoscience Practice Act.

Accredited Institutions or Programs—an institution or program which holds accreditation or candidacy status from an accreditation organization recognized by the Council for Higher Education Accreditation (CHEA) or other appropriate accrediting entity accepted by the board.

Address of Record—in the case of a person licensed or certified by the board, the address which is filed by the licensee or certificant with the board.

APA—the Administrative Procedure Act.

Application—the forms, information, attachments, and fees necessary to obtain a license as a professional geoscientist or a certification as a geoscientist-in-training.

Certificate—the credential granted by the board signifying the holder has met the requirements as set out in the Act and this Chapter and is qualified to be a geoscientist-in-training.

Certification, Certified, Certificant or Certificate Holder—the recognition granted by the board and its issuance of a Credential to any individual seeking such recognition as geoscientist-in-training, who has been successfully examined and is otherwise in good standing with the board.

Cheating—attempting to obtain, obtaining, providing, or using answers to examination questions by deceit, fraud, dishonesty, or deception.

Complainant—any person, staff member, or member of the board who, after becoming aware of information that may indicate a violation, has filed a sworn, written complaint with the board against any person whose activities are subject to the jurisdiction of the board.

Complaint—an allegation or allegations of wrongful activity related to the practice or offering of geoscience services in Louisiana.

Continuing Education Program (CEP)—the types of credit hours acceptable to qualify for meeting the continuing education requirements for license renewal. The types are:

a. Professional Development Hour (PDH)—a contact hour (clock hour) of CEP activity. The PDH is the basic unit for CEP reporting. One hour equals 1 PDH;

b. Accredited Continuing Education Unit (ACEU)—unit of credit customarily used for ACEU. One ACEU equals 10 hours (10 PDH) of class in the accredited continuing education course;

c. College Semester Hour (CSH) / College Quarter Hour (CQH)—credit for a college course in a discipline of geoscience or other related technical elective of the discipline. One CSH equals 15 hours (15 PDH) of class in a college semester course. One CQH equals 10 hours (10 PDH) of class in a college quarter course;

d. Continuing Education Course/Activity (CECA)—any qualifying course/activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the license holder's field of practice. One CECA hour equals 1 PDH.

Contested Case or Proceeding—a proceeding in which the legal rights, duties, or privileges of a party are to be determined by the board after an opportunity for adjudicative hearing.

Credential—the endorsed document of legal authority issued by the Board showing that a license or certificate has been granted by the board. A credential is not valid unless it is accompanied by a registration card issued by the Board which shows the expiration date of the license or certificate.

Direct Supervision—critical watching, evaluating, and directing of geoscience activities with the authority to review, enforce, and control compliance with all geoscience criteria, specifications, and procedures as the work progresses. Direct supervision will consist of an acceptable combination of:

- a. exertion of significant control over the geoscience work;
- b. regular personal presence;
- c. reasonable geographic proximity to the location of the performance of the work; and
- d. an acceptable employment relationship with the supervised persons.

Discipline—a branch of instruction or learning focused on a field of specialty training. In this instance involving courses of study centered primarily on geology, but including one or more of the many sub-disciplines of the geologic sciences.

Electronic Signature—the method of affirming the accuracy of the information submitted in the online application procedure for licensure as a professional geoscientist or certification as a geoscientist-in-training.

Executive Secretary—the executive secretary of the board.

Filed Date—the date that the application is first submitted online or that documents have otherwise been received by the Board either by date stamp if hand delivered or by postmark date if the document has been mailed to the board.

Geology—

a. The founding discipline of the geosciences that encompasses the study of the origin, composition, structure, and history of the earth. See geoscience under R.S. 37:711.2 for descriptive detail.

b. There are many specialized sub-disciplines of geology, which include, but are not limited to the following: historical geology, physical geology, economic geology, mineralogy, paleontology, structural geology, mining geology, petroleum geology, geochemistry, geophysics, hydrogeology, petrography, petrology, volcanology, stratigraphic geology, engineering geology, and environmental geology.

Geoscience—The application of professional judgment in the integration of all subdivisions of the discipline of geology necessary for the safe economic development of projects where the recognition, understanding and utilization of geologic agents, forces, and processes are required for the benefit of the public. Clarified from definition under R.S. 37:711.2.

License—the credential granted by the board signifying the holder has met the requirements as set out in the Act and is qualified to actively perform the practice of geoscience.

Membership—the board or committee members present and constituting a quorum at an official business meeting.

Party—a person admitted to participate in a case before the board.

Practice for the Public—the action of providing professional geoscience services to the public.

Professional Geoscience—a professional service which may include consultation, investigation, evaluation, planning, designing, or direct supervision of construction, in connection with any public or private projects wherein the public welfare, or the safeguarding of life, health, and property is concerned or involved, when such professional service requires the application of geoscience principles and the interpretation of geoscience data.

Professional Geoscience Services or Professional Geoscientific Services—those services which must be performed by or under the direct supervision of a Professional Geoscientist and which meet the definition of the Practice of Geoscience as defined in R.S. 37:711.2.

Professional Geoscientist or P.G.—a person who holds a license issued by the Board.

The Public—any individual(s), client(s), business or public entities whose normal course of life might reasonably include an interaction of any sort with or be impacted by geoscientific work.

Qualifying Work Experience—a detailed description of specific geoscientific activities performed by an applicant in the course of performing his duties as a geoscientist in the practice of geoscience, including consulting, investigating, evaluating, analyzing, planning, mapping, and inspecting geoscientific work and/or the responsible supervision of those tasks.

Quorum—a simple majority of members required to be present at a meeting to be able to officially conduct business.

Registration Card—a card issued on an annual renewal basis that validates the license credential as active for the purpose of conducting the practice of geoscience in the state of Louisiana.

Reference—an individual attesting to the character and/or validating the required work experience of an applicant. The term is often used synonymously with the term "sponsor".

Reference Response—the documentation attesting to the character and/or validating the required work experience of an applicant. The term is often used synonymously with the term "letter of reference".

Rule—any board statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the board and is filed with the Office of the State Register.

Sanction—a penalty imposed in a disciplinary process. An imposed disciplinary action is a sanction.

Sponsor—an individual attesting to the character and/or validating the required work experience of an applicant. The term is often used synonymously with the term "reference".

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

§101. Geoscience Disciplines

A. Geoscience license required:

1. environmental projects; as provided in R.S. 37:711.3.G;
2. engineering projects; as provided in R.S. 37:711.3.H;

B. Geoscience license not required:

1. subordinate of a licensed geoscientist; as provided in R.S. 37:711.12.D;
2. officer or employee of the United States; as provided in R.S. 37:711.12.D;
3. private industry natural resource exploration/development; as provided in R.S. 37:711.12.D.
4. research; as provided in R.S. 37:711.12.D.
5. teaching; as provided in R.S. 37:711.12.D.
6. archaeological investigation; as provided in R.S. 37:711.12.D.
7. hearing testimony or evaluation; as provided in R.S. 37:711.12.D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

Chapter 3. Application of Chapter

§303. Exemptions

A. Non geoscience disciplines not requiring a license unless practicing geoscience in Louisiana.

1. land surveying; as provided in R.S. 37:711.3.A;
2. engineering; as provided in R.S. 37:711.3.B, C, D, E, and F;
3. water well drilling; as provided in R.S. 37:711.3.J.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

Chapter 5. The Board

§501. Meetings—Board and/or Committee

A. A quorum of members (the membership) must be physically present for official business to be recorded.

1. A motion before the membership is then carried by an affirmative vote of the majority of the voting members present.

2. The membership will determine on a case by case basis, the number and location of cameras and/or recording devices in order to maintain order during board/committee meetings.

B. Meetings will be conducted as public meetings under the Open Meetings Act.

1. The membership welcomes appropriate citizen input and communications at meetings, and shall provide the public a reasonable opportunity to appear and address the Membership on any issue under the jurisdiction of the membership.

2. Subject to the statutory requirement of a "reasonable opportunity," the membership may limit the amount of time that each speaker may speak on a given topic.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

§503. Rules

A. The rules adopted by the board under the authority apply to every licensee, geoscientist-in-training, and unlicensed individual providing or offering to provide public geoscience services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

Chapter 7. License/Certificate Processes

§701. Professional Geoscientist Application for Licensure

A. To be eligible for a professional geoscientist (P.G.) license, an applicant must submit the following to the board:

1. completed application;

2. documentation of having passed an examination as specified in R.S. 37:711.14 and R.S. 37:711.15.A(4); A request for waiver from examination(s) must be accompanied by substantiating documentation to determine eligibility for waiver;

3. a minimum of three reference responses to the applicant's request for reference from sponsors as specified in R.S. 37:711.15.A(1);

4. official transcript(s), as specified in R.S. 37:711.15.A(2), unless the applicant is applying for the license on the basis of work experience as qualifying in lieu of educational training;

5. documentation of having met the experience requirements as specified in R.S. 37:711.15.A(3) and R.S. 37:711.16;

6. verification of every licensure, current or expired, in any regulated profession in any jurisdiction issued to the applicant;

and

7. the application/first year licensing fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

§703. Geoscientist-in-Training Application for Certification

A. To be eligible for a geoscientist-in-training (GIT) certification an applicant must submit the following to the board:

1. a completed application;

2. documentation of having passed an examination of the fundamentals of geology administered by the National Association of State Boards of Geology (ASBOG) as established in R.S. 37:711.14 and R.S. 37:711.15.A(4). A request for waiver from examination will not be considered;

3. one reference of support attesting to the individual's moral and ethical character;

4. official academic transcript as confirmation of meeting the educational requirements as established in R.S. 37:711.15.A(2); and

5. the application/first year certification fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

§705. Relationship of GIT Certification to PG Licensure

A. The geoscientist-in-training (GIT) certification is intended as a stepping stone toward licensure as individuals are gaining acceptable geoscience experience.

1. Upon accruing five years of post-graduate geoscience work experience, individuals who are GIT certified and in good standing with the board may to apply for licensure as a professional geoscientist.

a. Individuals who are certified as a geoscientist-in-training may use "GIT" or "geoscientist-in-training" as a title after their name, providing these designations are not used in conjunction with or preceded by the word "licensed" or any other words that might lead one to believe they are licensed as a professional geoscientist.

b. This certification does not entitle an individual to practice as a licensed professional geoscientist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

§707. Application Review Process

A. Applications are not reviewed until the application with all supporting documentation has been received and the appropriate fee(s) have been processed.

B. Upon receipt of all required materials and fees, the application will be reviewed by the application review committee with one of the following results:

1. recommendation to the board for issuance of a credential (license/certificate);

2. recommendation to the board for denial of a credential; or

3. deficiency notice requesting additional information and/or substantiation of the application documents.

C. An application will remain active for one year beginning on the date the application is first filed with the board.

D. Application Special Circumstances

1. With the initial filing of an application or at any time that the application remains open, an applicant may request, in writing, licensure by the waiver of one or more qualifications for licensure. Upon written request and a showing of good cause, if the board determines that the applicant is otherwise qualified for a license, the board may waive a licensure requirement except for the payment of required fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

Chapter 9. Minimum Requirements to Qualify for Licensure/Certification.

§901. Professional Geoscientist Licensing Requirements.

A. Examinations. Receive a passing score on any or all examinations required by the board covering the fundamentals and practice of the discipline of geoscience documented as specified in R.S. 37:711.14; the board may exempt applicants from the examination if applying under the grandfathering provision in R.S. 37:711.15.A(4)(b) or for reciprocal licensure as specified in R.S. 37:711.17.

B. Education. Complete the academic requirements for licensure as specified in R.S. 37:711.15.A(2); the board may accept qualifying work experience in lieu of the education requirement.

C. Ethics. Submit three reference letters attesting to the good moral and ethical character of the applicant as specified in R.S. 37:711.15.A(1) or as otherwise determined by the board.

D. Experience. Document a minimum of five years of qualifying work experience during which the applicant has demonstrated being qualified to assume responsible charge of geoscientific work as specified in R.S. 37:711.15.A(3) and R.S. 37:711.16.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

§903. Geoscientist-in-Training Certification Requirements

A. Examinations. Submit evidence of a passing score on the fundamentals of geoscience as specified in R.S. 37:711.14 and R.S. 37:711.15.A(4).

B. Education. Complete the academic requirements for licensure as specified in R.S. 37:711.15.A(2).

C. Ethics. Submit a minimum of one reference response attesting to the good moral and ethical character of the applicant as specified in R.S. 37:711.15.A(1) or as otherwise determined by the Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

§905. Examinations

A. The examinations will be administered to applicants in a form and location determined by the board.

B. An applicant for licensure as a professional geoscientist requiring examination must pass both parts of the ASBOG test.

C. An applicant for certification as a geoscientist-in-training requiring examination must pass the fundamentals of geology examination of the ASBOG test.

D. Applicants taking the ASBOG test must also abide by the rules and regulations of ASBOG.

E. An applicant who does not timely arrive at and complete a scheduled examination will forfeit the examination fee.

F. An applicant may request an accommodation in accordance with the Americans with Disabilities Act.

1. The request must be in writing on a form approved by the board.

2. Proof of disability may be required.

G. Cheating on an examination is grounds for denial, suspension, or revocation of a license and/or an administrative penalty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

§907. Examination Process

A. Applicants who have not passed the qualifying examination(s) as specified in R.S. 37:711.14 and R.S. 37:711.15.A(4), may access the following procedures to sit for the necessary qualifying examination(s):

1. ASBOG Fundamentals of Geology Examination Requirement. The applicant is applying for licensure/certification and has:

a. completed the education qualifications for licensure/certification as specified in R.S. 37:711.13 & R.S. 37:711.15.A(4);

or

b. is currently enrolled in a course of study that meets the education requirements for licensure/certification and is within two regular semesters of completion of the qualifying course of study.

2. ASBOG Practice of Geology Examination Requirements. The applicant has:

a. submitted an application for licensure as a professional geoscientist with the board;

b. met all qualifications for licensure in section R.S. 37:711.15, with the exception of the examination requirement;

c. passed the ASBOG fundamentals of geology examination, but not the practice of geology examination.

B. Examination Application Procedure

1. The applicant shall complete and submit the application for geology examination, any required attachments and the appropriate fee to the board.

2. The board will review the examination application and inform the applicant of any deficiencies in the application. Upon determination that the requirements have been met, the board will mail an ASBOG examination application form to the applicant.

3. The applicant shall submit the completed ASBOG examination application form along with the examination fee to ASBOG. A copy of this examination application form shall be provided to the board.

4. The applicant shall follow all examination administration procedures and take the examination.

5. The board shall notify the applicant of the results of the examination after the board receives the results from ASBOG.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

§909. Education

A. An applicant must have graduated from a course of study from an accredited university or program in geology or in one of the sub-disciplines of geoscience (as listed below) satisfactory to the board. This course must consist of at least four years of study and includes at least 30 semester hours or 45 quarter hours of credit in geoscience, of which at least 20 semester hours or 30 quarter hours of credit must be in upper-level college courses in that discipline. The following will qualify:

1. geology; or

2. sub-discipline of geology including but not limited to geophysics, engineering geology, petroleum geology, hydrogeology, environmental geology and soil science, or

3. other equivalent educational requirements as determined by the board.

B. It is the applicant's responsibility to request their official college transcript be sent directly from the college registrar's office to the board.

1. official transcripts shall be forwarded directly to the board office by the applicant.

2. additional academic information including but not limited to grades and transfer credit shall be submitted to the board at the request of the application review committee.

C. If transcripts cannot be transmitted directly to the board from the issuing institution, the application review committee may recommend alternatives to the board for its approval. Such alternatives may include validating transcripts in the applicant's possession through a board-approved commercial evaluation service.

D. Degrees and coursework earned at foreign universities shall be acceptable if the degree conferred and coursework has been determined by a member of the National Association of Credential Evaluation Services (NACES) to be equivalent to a degree conferred by or coursework completed in an accredited institution or program.

1. It is the applicant's responsibility to have degrees and coursework so evaluated.

2. The commercial evaluation of a degree shall be accepted in lieu of an official transcript only if the credential evaluation service has indicated that the credential evaluation was based on a verified official academic record or transcript.

E. The relevance to the licensing requirements of academic courses, the titles of which are not self-explanatory, must be substantiated through course descriptions in official school catalogs, bulletins, syllabi, or by other means.

F. The board shall accept no coursework which an applicant's transcript indicates was not completed with a passing grade or for credit.

G. In evaluating two or more sets of transcripts from a single applicant, the board shall consider a quarter hour of academic credit as two-thirds of a semester hour.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

§911. References

A. Applicants for a license shall provide to the board at least three references from professional geoscientists or other professionals acceptable to the board who have knowledge of the applicant's relevant work experience. One or more of the references shall verify the geoscience experience claimed by the applicant to meet the minimum five years of experience required. Professional geoscientists who have not worked with or directly supervised an applicant may review and judge the applicant's experience and

may provide a reference for geoscience; such review shall be noted in the reference response. Individuals providing reference responses shall not be compensated.

B. All reference/sponsors shall be individuals with personal knowledge of the applicant's character, reputation, and general suitability for holding a license. References should include one or more individuals who have directly supervised or maintained responsible charge of the applicant.

C. Professional geoscientists who provide reference statements and who are licensed in a jurisdiction other than Louisiana may be asked to provide a copy of their pocket card or other verification to confirm that their license is current and valid.

D. The references for professional geoscience work experience must be submitted in sufficient detail to allow a board reviewer to:

1. verify and document at least a minimum five year work history of geoscience experience needed by the applicant for issuance of a license,

2. recognize and verify the quality of the experience claimed during the accepted work period, and

3. attest to the moral and ethical character of the applicant.

E. The board members and staff may, at their discretion, consider any, all or none of the responses from the sponsors.

F. Procedure

1. The applicant shall submit an email request for reference including the applicable portion(s) of their experience record to each potential sponsor.

2. Applicants shall ensure all required reference responses have been submitted to the board.

G. Additional references may be required of the applicant when the application review committee finds it necessary to adequately verify the applicant's experience or character. The board and/or staff may at their discretion communicate with any reference or seek additional information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

§913. Experience

A. The applicant must provide the board with a documented record of at least five years of qualifying work experience, as provided by R.S. 37:711.15.A(3), that demonstrates that the applicant is qualified to assume responsible charge of geoscientific work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

§915. Qualifying Work Experience

A. The work experience record shall describe the geoscience work that the applicant personally performed, and shall delineate the role of the applicant in any group geoscience activity.

B. The work experience record should provide an overall description of the nature and scope of the work with emphasis on detailed descriptions of the geoscience work personally performed by the applicant.

C. The work experience record must demonstrate evidence of the applicant's competency to be placed in responsible charge of geoscience work of a similar character.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

Chapter 11. Types of Licenses

§1101. Classification

A. The classifications of a professional geoscientist license may be one of the following:

1. active—a license that is current with all fees paid, as provided in R.S. 37:711.8.F.

2. inactive—a license that is not current, i.e. renewal fees have not been paid, but has been inactive for less than one year as provided in R.S. 37:711.8.F.

3. expired—a license that has been inactive for more than one year but less than three years as provided in R.S. 37:711.8.F.

4. retired—a license that has been expired for more than three years as provided in R.S. 37:711.8.F.

5. revoked—a license that has been rescinded and nullified as a consequence of disciplinary action by the board as provided in R.S. 37:711.23.9.

6. suspended—a license that has been discontinued and rendered invalid for some period pending further disciplinary action by the board as provided in R.S. 37:711.23.9.

7. temporary—a license issued for temporary qualified professional geoscience service work in Louisiana as provided in R.S. 37:711.18.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

§1103. Reciprocal license

A. Licensure by Reciprocity Agreement

1. Licensure by reciprocity agreement is the process whereby an individual currently licensed as a professional geoscientist (or equivalent license) in another United States jurisdiction (state, commonwealth or territory) applies for reciprocity licensure as a professional geoscientist in Louisiana, or the process whereby an individual currently licensed as a professional geoscientist in Louisiana applies for reciprocity licensure as a professional geoscientist (or equivalent license) in another United States jurisdiction (state, commonwealth or territory).

2. After reciprocity agreements are established, any applicant who holds a current license in a jurisdiction with which the board has a reciprocity agreement may apply for licensure under the terms of the specific reciprocity agreement between the two boards.

3. A person who is licensed or registered to practice a discipline of geoscience under the law of another state, a territory or possession of the United States, the District of Columbia, or a foreign country which has a reciprocity agreement with the board may apply to the Board for licensure without meeting the examination requirements of R.S. 37:711.14.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

§1105. Issuance of License

A. The board shall issue a license to an applicant who meets the requirements of this Chapter. The applicant shall be licensed with a unique professional geoscientist license number assigned to the license.

B. When a license is issued, a license credential and the first registration card are provided to the new licensee. The license credential is not valid proof of licensure unless the registration card is accompanying the license credential and the date on the registration card is not expired.

C. The license credential shall include all of the following:

1. the full name of the license holder;
2. the licensee's unique professional geoscientist license number;
3. the date the license was originally issued;
4. a signature of an appropriate officer of the board under the board's seal.

D. The registration card shall include all of the following:

1. the full name of the license holder;
2. the licensee's unique professional geoscientist license number;
3. the date the license will expire;
4. a signature of an appropriate officer of the board under the board's seal.

E. A license that is renewed late (one day after the expiration date of the license through the end of the 36th month past the expiration date of the license) is renewed in accordance to the rules set forth in R.S. 37:711.20.

F. The issuance by the board of a license is prima facie evidence that during the term of the license the license holder is entitled to all the rights and privileges of a licensed geoscientist.

G. A licensed geoscientist may engage in the practice of any discipline of geoscience.

H. A license number is not transferable.

I. Altering a license credential or registration card in any way is prohibited and is grounds for a sanction and/or penalty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

§1107. Expiration and Renewals

A. A professional geoscientist license expires and shall become inactive at the end of the month one year from the date of issuance, but can be renewed annually if the individual:

1. accumulates 15 or more of personal development hours (PDH) throughout the prior certification year to include one hour of ethics training;

2. remains in good standing with the board; and

3. files for renewal of a PG license and pays the fee established by the board.

B. A geoscientist-in-training certificate expires and shall become inactive at the end of the month one year from the date of issuance, and can be renewed annually, if the individual:

1. accumulates five or more of personal development hours (PDH) throughout the prior certification year to include one hour of ethics training;

2. remains in good standing with the board; and

3. files for renewal of GIT certification and pays the fee established by the board.

C. A geoscientist-in-training (GIT) certification may only be renewed annually for a period of up to eight years. Renewals after the eighth year of certification will only be granted at the discretion of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

§1109. License/Certificate Renewal and Reinstatement

A. The executive secretary of the board will mail a renewal notice and the requirements for renewal to the last recorded address of each license/certificate holder, at least 30 days prior to the expiration date of the license. Regardless of whether the renewal notice is received, it is the sole responsibility of the license/certificate holder to apply for renewal and to pay any applicable fee(s).

1. An applicant may renew a current license/certificate up to 60 days in advance of its expiration.

2. Licenses/Certificates become inactive the day after their expiration date.

3. The renewal fee for a license that is renewed within 60 days of inactivation is the fee in place at the time the license was due to expire.

4. A completed renewal application including applicable fees received or postmarked 61 days after the license/certificate expiration date is considered late. The then current application fee increase will be assessed in addition to a late penalty fee.

5. A license/certificate that has been inactive for 12 months but less than three years after the expiration date is considered expired but may be renewed by submitting to the board a renewal application, the annual renewal fee for each year missed plus the current year's renewal fee, and the late penalty fee. An expired license/certificate may be renewed within three years of the expiration date by paying all delinquent fees.

6. A license/certificate that has been expired for a period greater than three years after the expiration date is considered permanently retired and may not be renewed. The former license holder may re-apply for a new license as provided by the Act at the time of re-application.

B. The board may refuse to renew a license/certificate if the license/certificate holder is the subject of a lawsuit regarding his/her practice of geoscience or is found censurable for a violation of board laws or rules that would warrant such disciplinary action under R.S. 37:711.23.

C. Licensees must complete a statement of affirmation indicating whether the licensee practiced as a P.G. during the period when the license was inactive/expired. Information regarding unlicensed non-exempt public geoscience practice received under this section shall be referred to the compliance committee for appropriate action that could include the initiation of a complaint by the board.

D. As per R.S. 37:711.23, the board may suspend or revoke a license/certificate as disciplinary action against a license/certificate holder who is found censurable for a violation or rules.

1. A license/certificate that has been suspended can be reinstated by the board only if the suspended license/certificate holder complies with all conditions of the suspension, which may include payment of fines, continuing education requirements, participation in a peer review program or any other disciplinary action outlined in the Act.

2. A license/certificate that has been revoked can be re-instated only if a majority vote by the board approves reinstatement, after the applicant:

a. re-applies and submits all required application materials and fees;

b. successfully completes an examination in the discipline of geoscience if the applicant has not previously passed said examination(s); and

c. provides evidence to demonstrate competency and that future compliance with the Act and rules of the board.

E. A license/certificate holder is exempt from any increased fee or other penalty imposed in this section for failing to renew the license in a timely manner if the license holder provides adequate documentation, including copies of orders, to establish to the satisfaction of the board that the license holder failed to renew in a timely manner due to active duty service in the United States armed forces outside of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

§1111. Replacement License/Certificate Credential or License Registration Cards

A. A new or duplicate license/certificate credential, or a new registration card to replace one lost, destroyed, or mutilated, may be issued, subject to the rules of the board, upon payment of the established fee(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

Chapter 13. Continuing Education Program (CEP)

§1301. Requirements

A. Each license holder shall meet the continuing education program (CEP) requirements for professional development by earning professional development credit hours (PDH) as a condition for license renewal.

1. Every PG license holder is required to obtain 15 PDH hours of continuing education credit per year for license renewal.

2. A minimum of one PDH hour per renewal period must be in the area of professional ethics, roles and responsibilities of Professional Geoscientists.

3. If a license holder exceeds the annual requirement in any renewal period, a maximum of 30 PDH hours may be carried forward into subsequent renewal periods, but not beyond three years. Credits earned more than three years prior to the renewal year will not be accepted for fulfilling continuing education requirements.

B. Definition of Terms. Terms used in this section are as follows.

Accredited Continuing Education Unit (ACEU)—unit of credit customarily used for ACEU. One ACEU equals 10 hours (10 PDH) of class in the accredited continuing education course.

College Semester Hour (CSH)/College Quarter Hour (CQH)—credit for a college course in a discipline of geoscience or other related technical elective of the discipline. One CSH equals 15 hours (15 PDH) of class in a college semester course. One CQH equals 10 hours (10 PDH) of class in a college quarter course.

Continuing Education Course/Activity (CECA)—any course/activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the license holder's field of practice. One CECA hour equals 1 PDH.

Professional Development Hour (PDH)—a contact hour (clock hour) of CEP activity. The PDH is the basic unit for CEP reporting. One hour equals 1 PDH.

C. Earned Credits

1. All activities described in this subsection shall be relevant to the practice of a discipline of geoscience and may include technical, ethical, or managerial content. The following activities will earn PDH credits pending board approval at the time of audit:

a. successful completion, auditing or teaching/instructing of college credit courses (CSH/CQH). Credit for college or community college approved courses will be based upon course credit established by the college;

b. successful completion or teaching/instructing of continuing education courses (ACEU or CECA), either offered by a professional or trade organization, university or college, or offered in-house by a corporation, other business entity, professional or technical societies, associations, agencies, or organizations, or other group;

c. successful completion or teaching/instructing of correspondence, on-line, televised, videotaped, and other short courses/tutorials (CSH/CQH, ACEU or CECA);

d. registered attendance or teaching/instructing of seminars, courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences sponsored by a corporation, other business entity, professional or technical societies, associations, agencies, or organizations, or other group (CECA).

i. Credit for qualifying seminars, short courses and workshops will be based on one PDH credit for each hour of attendance.

ii. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDH credits for the actual time of each program.

iii. A maximum of 12 PDH credits can be earned at society meetings each renewal period.

5. Teaching or instructing as listed in Paragraphs 1 - 4 of this Subsection will earn triple PDH credits. Teaching credit is valid for teaching a course or seminar for the first time only.

6. Authoring (as lead author) published papers, articles, books, or accepted licensing examination items. Credit determination for authorship as described in this subsection is the responsibility of the license holder and subject to review as required by the board. Maximum 10 PDH per paper and 45 PDH per book.

7. Active participation (CECA) in professional or technical societies, associations, agencies, or organizations in activities such as those described below. PDH credits are not earned until the end of each year of service is completed. Maximum of 5 PDH per renewal period:

a. serving as an elected or appointed official of the organization;

b. serving and actively participating on a committee of the organization; or

c. serving in other official positions such as making or attending a presentation at a meeting or writing a paper presented at a meeting.

8. Engaging in self-directed course work (ACEU or CECA). Credit determination for self-directed course work is the responsibility of the license holder and subject to review as required by the board. Credit for self-directed course work will be based on one PDH credit for each hour of study and is not to exceed five PDH per renewal period.

9. Patents issued—maximum 15 PDH per patent.

10. Software programs published—maximum 15 PDH per program.

D. Determination of Credit

1. The board shall be the final authority with respect to whether a course or activity meets the requirements of this chapter.

2. It is the responsibility of each license holder to use his/her best professional judgment by reading and utilizing the rules and regulations to determine whether all PDH credits claimed and activities being considered meet the continuing education requirement. However, a course provider may contact the board for an opinion for whether or not a course or technical presentation would meet the CEP requirements.

E. Record Keeping

1. The license holder is responsible for maintaining records to be used to support credits claimed. CEP records for each license holder must be maintained for a period of three years by the license holder. Records required include, but are not limited to:

a. a log, on a form provided by the board, showing the type of activity claimed, the sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits claimed; and

b. attendance verification records in the form of completion certificates, receipts, attendance roster, or other documents supporting evidence of attendance.

F. CEP Audit

1. The records for each license holder are subject to audit by the board or its authorized representative.

a. The license holder must submit CEP certification on the log form provided by the board and a list of each activity, date, and hours claimed that satisfy the CEP requirement for that renewal year when audited. A percentage of the licenses will be randomly audited each year.

b. Copies must be furnished, if requested, to the board or its authorized representative for audit verification purposes.

c. If upon auditing a license holder, the board finds that the activities cited do not fall within the bounds of educational, technical, ethical, or professional management activities related to the practice of geoscience; the board may require the license holder to acquire additional PDH credits as needed to fulfill the minimum CEP requirements before said license will be renewed.

G. Exemptions

1. A license holder may be exempt from the professional development educational requirements for one of the following reasons:

a. a license holder serving on active duty and deployed outside the United States, its possessions and territories, in or for the military service of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining the professional development hours required during that year.

b. a license holder employed outside the United States, its possessions and territories, actively engaged in the practice of geoscience for a period of time exceeding 300 consecutive days in a year shall be exempt from obtaining the professional development hours required during that year except for five hours of self-directed course work.

c. license holders experiencing long term physical disability or illness may be exempt. Supporting documentation must be furnished to the Board.

H. Noncompliance

1. If a license holder does not certify that CEP requirements have been met for a renewal period, the license shall be considered expired and subject to late fees and penalties.

2. A license holder may bring an expired license to active status by obtaining all delinquent PDH units. However, if the total number required to become current exceeds 30 units, then 30 units shall be the maximum number required.

3. A determination by audit that CEP requirements have been falsely reported shall be considered to be misconduct and will subject the license holder to disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

Chapter 15. Seal

§1501. Use of Seals

A. License holders must obtain a seal as per R.S. 37:711.22.

B. The following rules for the use of seals to identify work performed by a professional geoscientist shall be binding on every licensee.

1. Seal Possession

a. Each professional geoscientist, upon licensure, shall obtain an official seal.

i. In the case of a temporary permit issued to a licensee of another jurisdiction, the licensee shall affix the seal of his/her jurisdiction of licensure, his/her signature, the date of execution, and his/her Louisiana temporary permit number to all of his/her work.

2. Seal Responsibility

a. The application of the licensee's seal, signature, and date shall constitute certification that the work thereon was done by the licensee or under his/her responsible charge. The licensee shall be personally and professionally responsible and accountable for the care, custody, control and use of his/her seal, professional signature and identification. A seal which has been lost, misplaced or stolen shall, upon discovery of its loss, be reported immediately to the board by the licensee. The board may invalidate the licensure number of said licensee, if it deems this necessary, and issue another licensure number to the licensee.

3. Seal Use

a. The licensee shall affix his/her seal, sign his/her name, and place the date of execution on all documents that have been issued by the licensee to a client or any public or governmental agency as completed work.

4. Electronic Transmission

a. Documents which require a seal may be transmitted electronically provided the seal, signature and date of the licensee is transmitted in a secure mode that precludes the seal, signature and date being produced or modified.

b. Originally-sealed documents which no longer require a seal may be transmitted electronically but shall have the generated seal, if any, removed before transmitting and shall have the following inserted in lieu of the signature and date: "This document originally issued and sealed by (name of licensee and license number) on (date of sealing). This document should not be considered a certified document."

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

Chapter 17. Fees

§1701. Payment of Fees

A. The board fees are non-refundable and are in accordance with the limits specified in R.S. 37:711.13(D) and 711.20(C).

1. Initial application and license fee—\$200.

2. Examination processing fee of \$25 and examination fee as determined by ASBOG.

3. Issuance of a revised or duplicate license—\$25.

4. Renewal fee—\$150. The fee for annual renewal of licensure for any person 60 years of age or older as of the renewal date shall be \$100.

5. Late renewal fee—\$50.

6. Fee for affidavit of licensure—\$15.

7. Verification of licensure—\$15.

8. Temporary license—\$200.

9. Insufficient funds fee—\$25.

10. Initial application for geoscientist-in-training certificate—\$100.

11. Annual renewal of geoscientist-in-training certificate—\$75.

B. Charges for providing copies of public information are those provided in LAC 4:I.301.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

Chapter 19. Disciplinary proceedings

§1901. Disciplinary and Enforcement Proceedings

A. Any disciplinary or enforcement proceedings initiated by or with the board will be governed by the substantive and procedural provisions of the licensure law and by the provisions of the APA (R.S. 49:950 et seq.).

B. Disciplinary proceedings against licensees and certificate holders are subject to R.S. 37:711.23.

C. Disciplinary proceedings against nonlicensees or noncertificate holders are subject to R.S. 37:711.24.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:711.8.C (1) and R.S. 37:711.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Professional Geoscientists, LR 41:

Family Impact Statement

Pursuant to the provisions of R.S. 49:953(A), the Louisiana Board of Professional Geoscientists, through its chairman, has considered the potential family impact of creating LAC 46:LXII.

It is accordingly concluded that creating LAC 46:LXII would appear to have no impact on the following:

1. The effect on stability of the family.
2. The effect on the authority and rights of parents regarding the education and supervision of their children.
3. The effect on the functioning of the family.
4. The effect on family earnings and family budget.
5. The effect on the behavior and personal responsibility of children.
6. The ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

Pursuant to the provisions of R.S. 49:973, the Louisiana Board of Professional Geoscientists, through its chairman, has considered the potential poverty impact of creating LAC 46:LXII.

It is accordingly concluded that creating LAC 46:LXII would appear to have no impact on the following:

1. The effect on household income, assets, and financial security.
2. The effect on early childhood development and preschool through postsecondary education development.
3. The effect on employment and workforce development.
4. The effect on taxes and tax credits.
5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Statement

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed Rule does not require compliance or reporting from small businesses.
2. The Establishment of Less Stringent Deadlines for Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed Rule does not require compliance or reporting from small businesses.
3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed Rule do not require compliance or reporting from small businesses.
4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed Rule does not require compliance or reporting from small businesses.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. The proposed Rule does not require compliance or reporting from small businesses.

Provider Impact Statement

Pursuant to the provisions of R.S. 49:953(A), the Louisiana Board of Professional Geoscientists, through its chairman, has considered the potential provider impact of creating LAC 46:LXII.

It is accordingly concluded that creating LAC 46:LXII would appear to have no impact on the following:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the costs to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

All interested persons may submit comments relative to these proposed Rules, through ^{August}~~November~~ 10, 2015, to Georgeann McNicholas, Executive Secretary of the Louisiana Board of Professional Geoscientists, at 9643 Brookline Ave., Ste. 101, Baton Rouge, LA 70809.



Dr. Madhurendu Bhushan Kumar
Chairman